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FM SECSTATE WASHDC  
TO AMEMBASSY BERLIN PRIORITY  
INFO MISSILE TECHNOLOGY CONTROL REGIME COLLECTIVE PRIORITY

C O N F I D E N T I A L STATE 030857

SIPDIS

E.O. 12958: DECL: 03/25/2033  
TAGS: [PARM](#) [MTCRE](#) [PREL](#) [ETTC](#) [GM](#) [SY](#)

SUBJECT: (C) PROVIDING GERMANY WITH NON-PAPER FOR USE IN  
COURT PROCEEDINGS RELATED TO A GERMAN EXPORT TO SYRIA

REF: A. 07 STATE 131559

[1](#)B. 07 BERLIN 001770  
[1](#)C. 07 STATE 135366  
[1](#)D. 07 BERLIN 002164

Classified By: ISN/MTR DIRECTOR PAM DURHAM.  
REASONS 1.5 (B), (C) AND (D).

[1](#)1. (U) This is an action request. Embassy Berlin, please  
see paragraph 4.

[1](#)2. (C) On September 19, 2007, the U.S. alerted German  
authorities to a maritime shipment of 17 Mercedes-Benz trucks  
from Germany to Syria's Scientific Studies and Research  
Center (SSRC), which is the lead agency involved in Syria's  
ballistic missile and WMD programs (Ref A). Per Ref C,  
because these trucks could potentially be modified for use in  
missile applications, Germany immediately took measures to  
prevent this transfer, including issuing an individual  
interdiction order to the German transfer company prohibiting  
delivery of the trucks and enlisting the Polish government's  
assistance to instruct the Polish shipper not to offload the  
cargo in Syria. Despite these efforts, these trucks were  
ultimately delivered following the intervention of Syrian  
authorities, whose actions included blocking the ship from  
departing port in Syria until the cargo was offloaded and  
having armed Syrian security forces surround the vessel.

[1](#)3. (C) In November 2007, the German government informed the  
U.S. that the transfer company involved in this shipment had  
filed a lawsuit against the FRG seeking compensation and  
damages from the German government resulting from its actions  
to stop this export (Ref D). To support the government's  
court case, German officials requested that the U.S.  
authorize the release of the Ref A non-paper that prompted  
them to act in this case to the Berlin Administrative Court.  
The FRG emphasized that this documentation is essential to  
persuading the Berlin Administrative Court to rule in the  
government's favor and that a positive result in this case  
will help facilitate similar actions by the German government  
in future interdictions. In response to the FRG's request,  
we now want to inform German authorities that the September  
2007 non-paper has been cleared for use in these court  
proceedings.

[1](#)4. (C) Action request: Department requests Embassy Berlin  
approach appropriate host government officials to inform them  
that the nonpaper in paragraph 5 may be shared with the  
Berlin Administrative Court. Post should emphasize that  
while these points have been released at an unclassified  
level, they are only intended for use in the Berlin  
Administrative Court proceedings regarding the German  
government's actions in this case.

[1](#)5. (U) Begin talking points/non-paper:

(UNCLASSIFIED)

-- In the spirit of our nonproliferation partnership, we  
would like to alert you to a matter of proliferation concern  
and request your government's immediate assistance in

investigating this activity.

-- The U.S. has information that the German transfer company Orient-Schiffahrts Speditionsgesellschaft mbH arranged the shipment of 17 Mercedes-Benz trucks from Hamburg, Germany to Latakia, Syria aboard the Maltese-flagged vessel "Wloclawek."

-- We understand that these 17 trucks are consigned to a company associated with Syria's Scientific Studies and Research Center (SSRC).

-- As has been discussed extensively at annual Missile Technology Control Regime (MTCR) Information Exchange meetings, SSRC is the lead agency involved in Syria's ballistic missile and WMD programs.

-- We are bringing this to your attention because we understand that these trucks could be used as launchers or support vehicles for a developmental short-range ballistic missile system.

-- Our information indicates that the "Wloclawek" will next make a port call in Alexandria, Egypt, on September 20 and that this vessel is scheduled to arrive in Latakia, Syria, on or about September 23.

-- Because these items likely are intended for use in Syria's missile program, we request that you immediately investigate this transfer and consider recalling this shipment to Germany.

-- We look forward to continuing cooperation on nonproliferation issues and to hearing of any actions you take in this case at the earliest possible time.

16. (U) Washington POC is ISN/MTR James Mayes (Phone: 202-647-3185). Please slug any reporting on this issue for ISN and EUR.

17. (U) A word version of this document will be posted at [www.state.sgov.gov/demarche](http://www.state.sgov.gov/demarche) in the "MTAG - EUR" folder.  
RICE

NNNN

End Cable Text